



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** September 7, 2010

**SUBJECT:** BZA Application 18098, 914 P Street, N.W., Square 366, Lot 814

### **SUMMARY RECOMMENDATION**

The Office of Planning (OP) cannot recommend approval of this application, which requests relief of the following:

- **Area variance to § 403.2 of Title 11 DCMR** to increase the lot occupancy from 60 to 71.3 percent (70.1 percent existing);
- **Area variance to § 404.1 of Title 11 DCMR** to decrease the rear yard from 20 feet to 13 feet (16 feet existing);
- **Area variance to § 406.1 of Title 11 DCMR** to decrease the width of an open court from 6 feet to 11.5 inches (11.5 inches existing); and
- **Area variance to § 2001.3 of Title 11 DCMR** to permit the enlargement of a nonconforming structure.

OP notes that the existing property is also nonconforming for lot area and lot width.

The Office of Planning is unable to recommend approval of the requested variances because the subject property exhibits no uniqueness. OP does support the updating and modernization of existing residences in the District, and has recommended that the applicant reduce the proposed lot occupancy by 1.3 percent. This would result in a lot occupancy of 70 percent, allowing the proposal to be considered under the less stringent special exception criteria. It is likely that a revised application would meet these criteria and be recommended for approval.

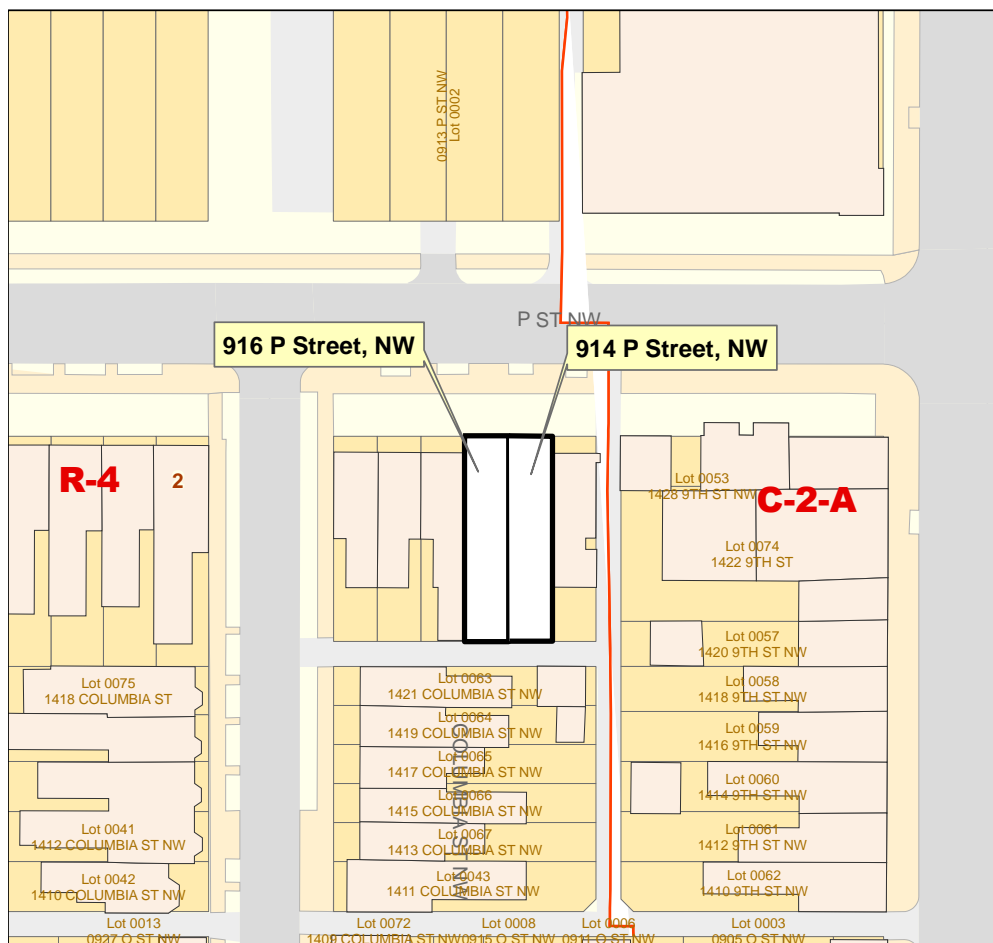
### **AREA AND SITE DESCRIPTION**

Address	914 P Street, N.W.
Legal Description	Square 366, Lot 814
Ward	2
Lot Characteristics	Rectangular lot with alley access.
Existing Development	Two-story row house
Zoning	R-4 – row dwellings, conversions and apartments
Historic District	Shaw
Adjacent Properties	North: Across P Street, surface parking lot for Shiloh Baptist Church East, West & South: Row houses and flats
Surrounding Neighborhood Character	Mixture of residential, commercial and institutional



The applicant proposes to construct two building additions onto the existing row house. One would be within the rear yard and the other within the existing open court.

The second addition would be constructed within the existing open court. A five-foot wide portion at the south side of the court would be enclosed on the ground floor only, expanding the interior space between the kitchen and dining room, decreasing the area of the open court.



## Zoning and Vicinity Map

### LOT AND AREA DESCRIPTION

The subject property is a two-story row house constructed in 1900 and located on the south side of P Street, N.W., between 9<sup>th</sup> Street and Columbia Street. All of the lots on the south side of P Street, between the public alley on the east and Columbia Street on the west, are similar in width and area. The row houses that were constructed on them are also similar, although some have been modified over time. All are located within the R-4 district.

The open court narrows at the rear of the building to a width of 11.5 feet for a distance of five feet, five inches, or the depth of the rear porch, because the rear porch does not extend across the entire width of the lot.

A separate application, BZA 18097, was filed for the 916 P Street, N.W., the adjacent property to the west for a rear addition.

### ZONING REQUIREMENTS and REQUESTED RELIEF

	Permitted/Required	Existing	Proposed	Relief
Lot Area (min.)	1,800 SF	1,435 SF	1,435 SF	Existing Nonconforming
Lot Width (min.)	18 feet	17.5 feet	17.5 feet	Existing Nonconforming
Lot Occupancy (max.)	60 percent	70.1 percent	71.3 percent	11.3 percent
Building Height (max.)	40 ft/ 3 stories	2 stories	2 stories	Conforming
Open Court Width (min.)	6 feet	11.5 inches	11.5 inches	5 feet, 0.5 inches
Rear Yard (min)	20 feet	16 feet	13 feet	7 feet

### OFFICE OF PLANNING ANALYSIS

Relief from the following sections is required by the subject application.

#### Area Variance to § 403.2 – Lot Occupancy

Section 403.2 sets the maximum lot occupancy within the R-4 district for row houses at 60 percent. The subject application proposes to increase the existing lot occupancy from 70.1 to 71.3 percent.

#### Area Variance to § 404.1 - Rear Yard

Section 404.1 sets the minimum rear yard within the R-4 district at 20 feet. The subject application proposes to reduce the existing rear yard to 13 feet.

#### Area Variance to § 406.1 – Minimum Width of Open Court

Section 406.1 sets the minimum width of an open court within the R-4 district at 6 feet. The subject application proposes maintain the existing width of 11.5 inches.

**Area Variance to § 2001.3 – Nonconforming Structures Devoted to Conforming Uses**

Section 2001.3 provides that additions to nonconforming structures devoted to conforming uses, such as the subject application, not increase any nonconforming aspect of the structure. In this case the application proposes to further increase the nonconforming lot occupancy from 70.1 to 71.3 percent.

Uniqueness Resulting in Practical Difficulty

The subject property's shape, size and topography do not exhibit a specific uniqueness as required under part one of the variance test. The property's dimensions are not remarkable. It is 17.5 feet in width, 1,435 square feet in area and rectangular in shape, as are the adjoining lots on either side. It is also relatively level and improved with a row house with alley access, again the same as the adjoining lots. As the subject property exhibits no uniqueness, there can be no practical difficulties resulting out of the uniqueness.

Impact on the Integrity of the Zone Plan

The proposal is also contrary to the intent of the Zoning Regulations. The existing dwelling exceeds the allowable lot occupancy at 70.1 percent and has a minimum open court width of 11.5 inches. The proposal would increase the lot occupancy to 71.3 percent, in excess of the 60 percent, and reduce the rear yard to 13 feet, less than the minimum required.

If the proposed percentage of lot occupancy were reduced from 71.3 to 70 percent, the maximum permitted pursuant to § 223 of the Zoning Regulations, the variances requested could be considered by the Board as a special exception, including relief from rear yard depth and open court width, and the expansion of a nonconforming structure. The proposed addition would be to a row house, a conforming use in the R-4. The addition within the existing courtyard and the expansion over the rear porch would not unduly affect light and air or compromise use and enjoyment of neighboring properties. With the exception of the bay window on the second floor, a relatively small structure, the request would result not in any portion of the existing dwelling to be any closer to any of the surrounding residences than currently exists. The two building additions would appear as residential as viewed from the public alley. Therefore, if the lot occupancy were to be reduced to no more than 70 percent, the subject application would be in conformance with the provisions of § 223.

**COMMUNITY COMMENTS**

**ANC 2F** did not respond to a request for comments from the Office of Planning.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP